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**FAX TRANSMISSION****DATE:** January 22, 2009**PTO IDENTIFIER:** Application Number 10/534,081-Conf. #8962  
Patent Number**Inventor:** Kohji Fukatsu et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** EDWARDS ANGELL PALMER & DODGE LLP

Gregory B. Butler, Ph.D., Esq.

**PHONE:** (617) 517-5595**Attorney Dkt. #:** 66530(46590)**PAGES (Including Cover Sheet):** 4**CONTENTS:** Response to Restriction Requirement (2 pages)  
Facsimile Cover Sheet (1 page)  
Certificate of Transmission (1 page)

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JAN 22 2009

PTO/SB/97 (09-04)

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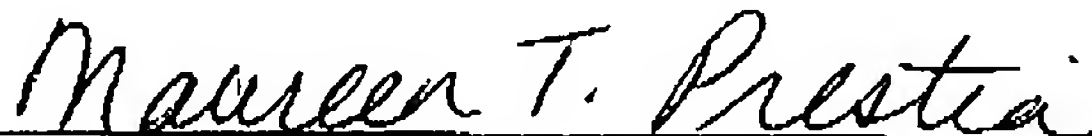
Application No. (if known): 10/534,081

Attorney Docket No.: 66530(46590)

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Response to Restriction Requirement (2 pages)

Facsimile Cover Sheet (1 page)

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JAN 22 2009

Docket No.: 66530(46590)  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Kohji Fukatsu et al.

Application No.: 10/534,081

Confirmation No.: 8962

Filed: June 13, 2005

Art Unit: 4121

For: RECEPTOR FUNCTION REGULATOR

Examiner: Cornet, Jean P.

RESPONSE TO RESTRICTION REQUIREMENTMS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed December 26, 2008, Applicant hereby provisionally elects Group III (claims 13-15, 22, 23 & 34), drawn to a compound by the formula (I-2) without traverse.

Applicant also elects provisionally the species consisting essentially of Reference Example 205; tert-butyl 3-[4-[(3-bromobenzyl) oxy] phenyl] propanoate.

The afore-mentioned election is being made solely to comply with, and be fully responsive to, the restriction requirement set forth in the Office Action. The right to file one or more divisional applications on non-elected subject matter is reserved.

Additionally, Applicant reserves the right to pursue rejoinder of withdrawn process claims that depend from or otherwise include all the limitations of an allowable product claim.

Early and favorable examination is requested.

BOS2 716862.1

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**FEE AUTHORIZATION**

No fees are believed to be due. However, should any fee be due, the Commissioner is authorized to charge such fee to our Deposit Account, No. 04-1105, Reference 61033DIV6(48393). Any overpayment should be credited to said Deposit Account.

Dated: January 22, 2009

Respectfully submitted,

Customer No. 21874

By

  
Gregory B. Butler, Ph.D., Esq.

Registration No.: 34,558

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